

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

-VS-

DECISION and ORDER

09-CR-6169-CJS-MWP

GERALD R. CHAMBERLIN,

Defendant

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This case was referred by the Court's Order of September 10, 2009, to U.S. Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636(b)(1)(A) and (B). Defendant filed an omnibus<sup>1</sup> motion (Docket No. 15) and a supplemental motion (Docket No. 25).<sup>2</sup> The motions sought, *inter alia*, an order suppressing physical evidence seized from his residence and statements he made to law enforcement agents, as well as dismissal of the indictment. The government opposed the motions.

On May 12, 2010, Judge Payson filed a Report and Recommendation recommending that the Court deny the defendant's motion to suppress evidence a motion to dismiss the indictment. The defendant has not filed any objections to Judge Payson's Report and Recommendation.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a *de novo* determination of only those portions of the Report and Recommendation to which objections have been

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<sup>1</sup>Incorrectly docketed as a motion to compel.

<sup>2</sup>Also incorrectly docketed as a motion to compel.

made. Since no objections have been made, the Court adopts Judge Payson's Report and Recommendation in total.

Accordingly, for the reasons set forth in Judge Payson's Report and Recommendation (Docket No. 29)), the defendant's motions (Docket Nos. 15 & 25) seeking dismissal of the indictment and suppression of physical evidence and statements, are denied.

IT IS SO ORDERED.

Dated: June 2, 2010  
Rochester, New York

ENTER:

/s/ Charles J. Siragusa  
CHARLES J. SIRAGUSA  
United States District Judge